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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/529,375	10/28/2005	Michael John Christensen	08059.0013	4788
	590 01/25/2007 ENDERSON FARARON	W, GARRETT & DUNNER	EXAM	INER
LLP		w, drider i a bonnek	HELLNER, MARK ART UNIT PAPER NUMBER	
	K AVENUE, NW I, DC 20001-4413			
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SHORTENED STATUTORY	PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE	
2.140	TILO .	01/25/2007	DADED	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

	Application No.	Applicant(s)				
	10/529,375	CHRISTENSEN ET A	۹L.,			
Office Action Summary	Examiner	Art Unit				
	Mark Hellner	3663				
The MAILING DATE of this communication ap	pears on the cover sheet w	ith the correspondence addre	ess			
Period for Reply						
A SHORTENED STATUTORY PERIOD FOR REPL WHICHEVER IS LONGER, FROM THE MAILING D. - Extensions of time may be available under the provisions of 37 CFR 1. after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period Failure to reply within the set or extended period for reply will, by statut Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	DATE OF THIS COMMUNI 136(a). In no event, however, may a will apply and will expire SIX (6) MON te, cause the application to become Al	CATION. reply be timely filed ITHS from the mailing date of this comm BANDONED (35 U.S.C. § 133).				
Status			-			
1) Responsive to communication(s) filed on 31 (October 2006.					
	s action is non-final.					
, 						
closed in accordance with the practice under						
Disposition of Claims						
4)⊠ Claim(s) 23-44 is/are pending in the application	on.					
4a) Of the above claim(s) is/are withdra	•					
5) Claim(s) is/are allowed.		•				
6)⊠ Claim(s) 23 and 40-44 is/are rejected.	·					
7)⊠ Claim(s) <u>24-39</u> is/are objected to.			,			
8) Claim(s) are subject to restriction and/	or election requirement.					
Application Papers						
9) The specification is objected to by the Examin	er.	•				
10) ☐ The drawing(s) filed on is/are: a) ☐ acc		by the Examiner.				
Applicant may not request that any objection to the	e drawing(s) be held in abeya	nce. See 37 CFR 1.85(a).				
Replacement drawing sheet(s) including the correct	ction is required if the drawing	(s) is objected to. See 37 CFR	1.121(d).			
11)☐ The oath or declaration is objected to by the E	examiner. Note the attache	d Office Action or form PTO	-152.			
Priority under 35 U.S.C. § 119	•					
12) Acknowledgment is made of a claim for foreign	n priority under 35 U.S.C.	§ 119(a)-(d) or (f).				
a) ☐ All b) ☐ Some * c) ☐ None of:						
1. Certified copies of the priority documen	nts have been received.					
Certified copies of the priority document	nts have been received in A	Application No				
3. Copies of the certified copies of the price	ority documents have beer	received in this National St	age			
application from the International Burea	, , , , , , , , , , , , , , , , , , , ,					
* See the attached detailed Office action for a lis	t of the certified copies not	received.				
	•	·				
Attachment(s)						
1) Notice of References Cited (PTO-892)		Summary (PTO-413)				
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper Not	s)/Mail Date nformal Patent Application				
Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date	6) Other:					

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Art Unit: 3663

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 23 and 40-44 are rejected under 35 U.S.C. 102(b) as being anticipated by Baroni et al (WO 02/50572 A1).

Baroni et al disclose a device for emitting waves into an underground formation, the device comprising: at least one vibrator (4, 5); two plates (2, 3); at least one motive element (the electric elements of the electromechanical transducers 4 and 5) suited to generate vibrations and to communicate them to the plates; and a generator (7) for applying periodic control signals to the motive element.

Figure 1 shows the vibrator positioned in a cavity and embedded in at least one solid material 6 to provide coupling thereof with the underground formation C with the material being in contact with the end faces of the plates.

The structure recited above reads on claim 23.

The functions recited by claims 40-44 read on the device of figure 1 when operated by the control signal generator 7.

Claims 24-39 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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Applicant's arguments with respect to claims 23-44 have been considered but are most in view of the new ground(s) of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication should be directed to Mark Hellner at telephone number 571 272 6981.

Mark Hellner

Primary Examiner

AU 3663

Mark Hellin